

Notice of Allowability

Application No.

10/633,920

Examiner

Nikita Wells

Applicant(s)

SPIVAK, PAUL

Art Unit

2881

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's Amendment and Interview.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☒ The drawings filed on 04 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 070604.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Nikita Wells
Primary Examiner
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Detailed Action

Examiner's amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Patrick J. Daugherty on July 2, 2004.

The Examiner initiated an Interview with the Applicant in order to insert allowable material from dependent claims 6, 7, 13, and 14, into the independent claims 1, 8, and 15, in order that the application could be allowed. The independent claims are amended as follows:

In claim 1, line 4, after "matrix", the following has been inserted: --corresponding to a shape of the subject to be irradiated--.

In claim 8, line 3, after "matrix", the following has been inserted: --corresponding to a shape of the subject to be irradiated--.

In claim 15, line 5, after the first "diodes", the following has been inserted: --arranged in a matrix corresponding to a shape of the subject to be irradiated--. On line 6: "a" has been changed to --the--.

Allowable Subject Matter

2. Claims 1-18 are allowed.
3. The following is an examiner's statement of reasons for allowance:

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With respect to the newly amended independent claims 1 and 8, prior art fails to disclose or make obvious, in addition to the accompanying features of the claims, an ultraviolet radiation (UVR) light emitting diodes (LED) light projection apparatus and method for irradiating a subject, comprising: (a) a plurality of light emitting diodes configured to emit ultraviolet radiation, the plurality of diodes arranged in a matrix corresponding to a shape of the subject to be irradiated; and (b) a power modulation control unit in communication with the plurality of diodes; wherein the power modulation control unit is configured to energize and cause the diodes to emit light and thereby irradiate the subject with ultraviolet radiation.

With respect to the newly amended independent claim 15, prior art fails to disclose, in addition to the accompanying features of the claims, an article of manufacture comprising a computer usable medium having a computer readable program embodied in said medium, wherein the computer readable program causes a power modulation control unit to energize a plurality of light emitting diodes arranged in a matrix corresponding to a shape of the subject to be irradiated, the diodes thereby emitting ultraviolet radiation.

The dependent claims 2-7, 9-14, and 16-18, are allowable by virtue of their dependence upon the independent claims 1, 8, and 15, respectively.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Harth et al. (2003/0216795 A1), Wojnarowski et al. (6,452,217 B1), Srivastava et al. (6,621,211 B1), and Dowling et al. (2002/0074559 A1) all disclose the generation of ultraviolet radiation with the use of a plurality of light emitting diodes, but fail to disclose that these light

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emitting diodes are arranged in a matrix corresponding to a shape of the subject to be irradiated.

R.A. Hartman (6,447,537 B1) discloses a phototherapy apparatus using UV lamps but no array of LEDs.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (571) 272-2484. The examiner can normally be reached on 8:30 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (571) 272-2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Nikita Wells". The signature is fluid and cursive, with the first name "Nikita" and the last name "Wells" clearly distinguishable.

Nikita Wells, Primary Examiner

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July 6, 2004